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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 PETER T. HARRELL,

No. CIV S-05-0420 GEB CMK

12 Plaintiff,

13 vs.

ORDER

14 DARREL LEMOS, et al.,

15 Defendants.  
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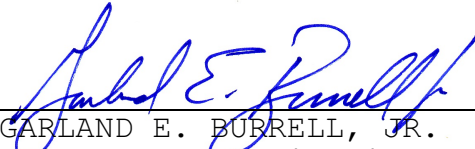
17 Plaintiff, who is proceeding without counsel and in forma pauperis, filed this civil  
18 rights action against several defendants. Pending before the court is defendants' bill of costs  
19 (Doc. 93).

20 After an extended stay order, this action was terminated by plaintiff's unopposed,  
21 voluntary motion to dismiss. Defendants filed a statement of non-opposition to the dismissal of  
22 this action, without indicating their stipulation to dismissal was contingent on the court awarding  
23 fees or costs. The court accepted this motion as a voluntary dismissal pursuant to Rule 41(a)(2).  
24 The district court has discretion over any terms or conditions of a dismissal under Rule 41(a)(2).  
25 See Stevedoring Servs. of America v. Armilla Int'l, 889 F.2d 919, 921 (9th Cir. 1989). Here, no  
26 terms or conditions were requested, and the court did not set forth any terms in the dismissal

1 acceptance order. As such, and given that there was no judgment entered against plaintiff as  
2 suggested on defendants' bill of costs, there is no basis for defendants' request at this time.

3 Accordingly, IT IS HEREBY ORDERED that defendants' bill of costs is denied.

4 Dated: April 27, 2012

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7 GARLAND E. BURRELL, JR.  
8 United States District Judge  
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